

REMARKS

Reconsideration and withdrawal of the requirement for restriction are respectfully requested in view of the remarks herewith.

The Office Action required an election under 35 U.S.C. § 121 from:

- I. Claims 1-4, drawn to a process of making compound I, classifiable in class **564**, subclass **95**.
- II. Claim 5, drawn to compound IV, classifiable in class 525, subclasses 54.4, 123.
- III. Claims 6-7, drawn to a process of making compound IV, classifiable in class 525, subclasses 54.4, 123
- IV. Claim 8, drawn to compound IV classifiable in class 525, subclass 54.4
- V. Claims 9-10, drawn to a 2nd process of making compound I, classifiable in class **564**, subclass **95**.
- VI. Claim 11, drawn to compound I, classifiable in class **564**, subclass **95**.

In response to the Restriction Requirement, Applicants provisionally elect Group I, claims 1-4, drawn to a process of making compound I, and the species comprising the process of making compound N-(2-chloro-benzoyl)-3-(isopropylamino)-benzolsulfonamide, for further prosecution in this application.

This election is made *with traverse* and is made without prejudice to Applicants' right to file divisional applications directed to the non-elected subject matter.

It is respectfully requested that the restriction requirement be favorably reconsidered and withdrawn. Applicants respectfully urge that the Restriction Requirement does not establish that inventions are independent and distinct and that searching all the inventions would constitute an undue burden to the Patent Office. Moreover, Applicants urge that the Restriction Requirement is contrary to public policy. Accordingly, Applicants submit that the Restriction Requirement is improper.

The MPEP lists two criteria for a proper restriction requirement. First, the invention must be independent or distinct. MPEP § 803. Second, searching the additional invention must constitute an undue burden on the examiner if restriction is not required. *Id.* The MPEP directs the examiner to search and examine an entire application “[i]f the search and examination of an entire application can be made without serious burden, ... even though it includes claims to distinct or independent inventions.” *Id.* Applicants respectfully urge that neither of these factors has been properly met.

First, Applicants urge that Groups I-VI represent a single inventive concept. Specifically, novel compounds of claim 5 (**Group II**, compounds of formula IV) are polymer-bound compounds especially designed for and prepared during the multistep process of claim 1. The process of claim 1 cannot be carried out without preparing the compounds of formula (IV). Therefore, Applicants urge that compounds of claim 5, **Group II**, are indispensable for the process of claim 1, **Group I**, and thus these groups represent a single inventive concept.

Additionally, claims 6 and 7 (**Group III**) relate to a process for the preparation of the novel compounds of formula (IV), which as described above, are closely related to the process of claim 1. Moreover, claims 6 and 7 are vital steps in the multistep process of claim 1 and thus should be examined together with claim 1. Likewise, claim 8 (**Group IV**) and claims 9 and 10 (**Groups V**) are directed to a process step which is vital for the process of making compounds of formula I, and thus belong to the same invention. Finally, claim 11 relates to novel compounds of formula (I) which are prepared according to the process of claim 1. Therefore, the compounds of claim 11 are related to the process of claim 1.

Accordingly, Applicants respectfully request examination of these Groups in a single application.

Applicants further urge that the Restriction Requirement does not meet the second criteria for a proper restriction requirement as the search for the groups overlap. For example, Group I, Group V and Group VI are classified in class 564. Accordingly, examination of these Groups would be expected to significantly overlap, and therefore their examination in a single application would not constitute an undue burden for the Examiner.

The present claims, therefore, represent a web of knowledge and continuity of effort that merits examination in a single application. Thus, reconsideration and modification the Restriction Requirement are warranted.

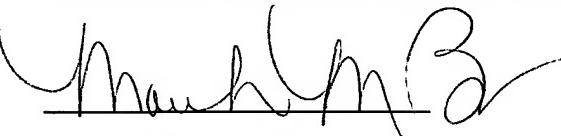
Further, it is respectfully urged that restricting the claims in the manner suggested in the Restriction Requirement constitutes an undue burden to Applicants as well as to the public. The cost of prosecuting and maintaining so many patents is unreasonable in view of the fact that the four Groups are so closely related. Further, the public is inconvenienced as they will not know whether or not Applicants will file a divisional application to the remaining subject matter. Accordingly, the public will not know if they can practice the remaining invention without infringing future patent applications.

Accordingly, in view of the foregoing, reconsideration and withdrawal of the restriction requirement are requested, and an early action on the merits is earnestly solicited.

Respectfully submitted,

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